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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

MIKE GLEASON, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

2007 NOV 27 A 11: 32

AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF  
ARIZONA WATER COMPANY, AN  
ARIZONA CORPORATION FOR AN  
EXTENSION TO ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN PINAL  
COUNTY, ARIZONA.

DOCKET NO. W-01445A-07-0291

PROCEDURAL ORDER

**BY THE COMMISSION:**

On May 14, 2007, Arizona Water Company ("AWC" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an extension to its Certificate of Convenience and Necessity ("CC&N") to provide water services in Pinal County, Arizona.

On May 25, 2007, AWC filed an Amendment to its Application.

On June 11, 2007, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter in this docket.

On June 19, 2007, Applicant filed its Response to Staff's Insufficiency Letter.

On August 20, 2007, Staff filed a second Insufficiency Letter.

On September 24, 2007, the City of Eloy filed a letter objecting to AWC's application for an extension of its CC&N.

On September 28, 2007, AWC filed its Response to Staff's Second Insufficiency Letter.

On October 26, 2007, Staff filed a third Insufficiency Letter.

On November 2, 2007, Staff filed a Sufficiency Letter in this docket indicating AWC's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

1 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held  
 2 on **January 17, 2008 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices,  
 3 1200 West Washington Street, Phoenix, Arizona 85007.

4 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
 5 105, except that all Motions to Intervene must be filed on or before **January 4, 2008**.

6 IT IS FURTHER ORDERED that **objections to any Motions to Intervene** shall be filed no  
 7 later than **January 14, 2008**.

8 IT IS FURTHER ORDERED that AWC shall provide public notice of the hearing in this  
 9 matter, in the following form and style, with the heading no less than 10 point bold type and the body  
 10 no less than 10 point regular type:

11 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF**  
 12 **ARIZONA WATER COMPANY FOR AN EXTENSION OF ITS**  
 13 **CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE**  
 14 **WATER SERVICES IN PINAL COUNTY, ARIZONA**  
**(DOCKET NO. W-01445A-07-0291)**

15 On May 14, 2007, Arizona Water Company ("AWC" or "Applicant") filed  
 16 with the Arizona Corporation Commission ("Commission") an application for  
 17 an extension to its Certificate of Convenience and Necessity ("CC&N") to  
 18 provide water services in Pinal County, Arizona. The Commission's Utilities  
 19 Division ("Staff") has not yet made a recommendation regarding AWC's  
 20 application, and the Commission is not bound by the proposals made by AWC,  
 21 Staff, or any intervenors. The Commission will issue a decision regarding  
 22 AWC's application following consideration of testimony and evidence  
 23 presented at an evidentiary hearing. Copies of the application are available at  
 24 AWC's offices [insert address] and the Commission's offices at 1200 West  
 25 Washington, Phoenix, Arizona, for public inspection during regular business  
 26 hours and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using  
 27 the e-docket function.

28 The Commission will hold a hearing on this matter beginning **January 17,  
 2008, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington,  
 Phoenix, Arizona. Public comments will be taken on the first day of the  
 hearing. Written public comments may be submitted via email (visit  
<http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a  
 letter referencing Docket Number W-01445A-07-0291, et al. to: Arizona  
 Corporation Commission, Consumer Services Section, 1200 West Washington,  
 Phoenix, AZ 85007.

The law provides for an open public hearing at which, under appropriate  
 circumstances, interested parties may intervene. Any person or entity entitled  
 by law to intervene and having a direct and substantial interest in the matter  
 will be permitted to intervene. If you would like to intervene, you must file a  
 written motion to intervene with the Commission, and you must send copies of

1 the motion to the Company or its counsel, and to all parties of record in the  
2 case. Your motion to intervene must contain the following:

- 3 1. Your name, address, and telephone number, and the name, address, and  
4 telephone number of any party upon whom documents are to be served in  
5 your place, if desired;
- 6 2. A short statement of your interest in the proceeding (e.g., a customer of the  
7 Company, a shareholder of the Company, etc.); and
- 8 3. A statement certifying that a copy of your motion to intervene has been  
9 mailed to the Company or its counsel and to all parties of record in the case.

10 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,  
11 except that all motions to intervene must be filed on or before January 4, 2008.  
12 The granting of intervention, among other things, entitles a party to present sworn  
13 evidence at hearing and to cross-examine other witnesses. However, failure to  
14 intervene will not preclude any person or entity from appearing at the hearing and  
15 making a statement on their own behalf.

16 If you have any questions about this application, you may contact AWC at [insert  
17 **telephone number**]. If you wish to file written comments on the application or  
18 want further information on intervention you may contact the Consumer Services  
19 Section of the Commission at 1200 W. Washington St., Phoenix, AZ 85007, or  
20 call 1-800-222-7000.

21 The Commission does not discriminate on the basis of disability in admission to  
22 its public meetings. Persons with a disability may request a reasonable  
23 accommodation such as a sign language interpreter, as well as request this  
24 document in an alternative format, by contacting the ADA Coordinator Linda  
25 Hogan, E-mail Lhogan@azcc.gov, voice phone number 602/542-3931. Requests  
26 should be made as early as possible to allow time to arrange the accommodation.

27 IT IS FURTHER ORDERED that AWC shall **mail to each property owner or property**  
28 **owner representative** in the requested extension area a copy of the above notice and shall cause the  
above **notice to be published** in a newspaper of general circulation in its service territory, with  
publication and mailing to be completed no later than **December 20, 2007**.

IT IS FURTHER ORDERED that the AWC shall **file certification of publication/ mailing** as  
soon as practicable after the mailing/publication has been completed, but not later than **January 10,**  
**2008.**

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and  
publication of same, notwithstanding the failure of an individual property owner to read or receive  
the notice.

IT IS FURTHER ORDERED that Staff shall file a **Staff Report** on or **before December 20,**  
**2007.**

1 IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be filed on or  
2 before **January 10, 2008**.

3 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
4 Communications) continues to apply to this proceeding as the matter is set for public hearing.

5 IT IS FURTHER ORDERED that all parties must comply with Rule 31 and 38 of the Rules of  
6 the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*  
7 *hac vice*.

8 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
9 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
10 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to  
11 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter  
12 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by  
13 the Administrative Law Judge or the Commission.

14 .IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
15 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
16 hearing.

17 Dated this 27<sup>th</sup> day of November, 2007.

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21 YVETTE B. KINSEY  
22 ADMINISTRATIVE LAW JUDGE  
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28

1 Copies of the foregoing mailed/delivered  
2 this 27th day of November, 2007 to:

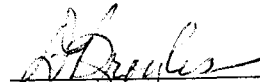
3 Robert W. Geake  
4 ARIZONA WATER COMPANY  
5 P.O. Box 29006  
6 Phoenix, AZ 85038-9006

7 Christopher Kempley, Chief Counsel  
8 Legal Division  
9 ARIZONA CORPORATION COMMISSION  
10 1200 West Washington Street  
11 Phoenix, AZ 85007

12 Ernest G. Johnson, Director  
13 Utilities Division  
14 ARIZONA CORPORATION COMMISSION  
15 1200 West Washington Street  
16 Phoenix, AZ 85007

17 ARIZONA REPORTING SERVICE, INC.  
18 2200 North Central Avenue, Suite 502  
19 Phoenix, Arizona 85004

20 By:

21   
22 Debra Broyles  
23 Secretary to Yvette B. Kinsey  
24  
25  
26  
27  
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